

PS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JAMES G. ROBERTS, VI,

Plaintiff,

-v-

21-CV-6187 FPG
ORDER

BLOWERS, et al.,

Defendants.

Pro se Plaintiff, James G. Roberts, VI, an inmate incarcerated at the Groveland Correctional Facility, filed this action seeking relief under 42 U.S.C. § 1983. Plaintiff was granted permission to proceed *in forma pauperis* (ECF No. 7) and service was directed after the Complaint was evaluated pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(a). ECF No. 11. Before the Court is Plaintiff's Motion for Appointment of Counsel. ECF No. 14.

In deciding whether to appoint counsel, the Court should first determine whether the indigent's position seems likely to be of substance, and if the claim meets this threshold requirement, the Court should then consider a number of other factors in making its determination.

Hodge v. Police Officers, 802 F.2d 58, 61 (2d Cir. 1986). This action was only recently commenced. Service was ordered but Defendants have not yet responded to Plaintiff's Complaint, and the only facts upon which this Court may base its decision as to whether this lawsuit is of substance are those portions of Plaintiff's Complaint wherein he states the facts surrounding his claim. At this stage, the Court lacks sufficient information to consider the factors set forth in *Hodge*. Plaintiff's request for appointment of counsel is therefore denied without prejudice as premature.

ORDER

IT HEREBY IS ORDERED that Plaintiff's request for appointment of counsel is therefore denied without prejudice as premature.

SO ORDERED.

Dated: July 29, 2020
Rochester, New York



HON. FRANK P. GERACI, JR.
District Judge
United States District Court